

EXHIBIT E



Bureau of Justice Statistics

Survey of State Procedures Related to Firearm Sales, 1996

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U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



Survey of State Procedures Related to Firearm Sales, 1996

**Prepared by the
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report may be found on the
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Background

This study is part of an ongoing Bureau of Justice Statistics (BJS) project referred to as FIST (Firearm Inquiries Statistics) being conducted by the Regional Justice Information Service (REJIS) of St. Louis, Missouri. The purpose of the study is to provide an overview of how the firearm check procedures work in the various states to help in measuring the impact of the "Brady Act" (Public Law 103-159, Handgun Control, Multiple Firearm Purchases, and Federal Firearms License Reform: Brady Handgun Violence Prevention Act).

This document is based on a three-part survey sent to all of the states in June 1995. Part A, Firearms Inquiry Statistical Technique, focuses on the process and procedures an agency follows to review an application to purchase a firearm. Part B, Firearms Inquiry Survey Tracking, focuses on individual transactions involving the initial rejection of an application. Part C, Firearms Inquiry Statistical Tally, shows the total number of applications processed and the resulting decisions. No identification information related to a specific individual is collected. Additionally, the states were informed that their responses were entirely voluntary.

The survey's Part A is designed to be filled out only once. Part B and Part C are designed to be implemented on a continuing basis, each state submitting either Part B rejection records or a Part C summary at the end of each month. Most of the states responded to Part A but declined to submit part B or C until BJS-supported automated processing software was developed by REJIS. This BJS software was released to the states in December 1995, and data concerning the numbers of applications being processed will shortly become available on a regular basis.

This report summarizes the Part A responses received from 40 states as well as verbal discussions the non-responding states had with REJIS interviewers. Moreover, each summary, once prepared, was forwarded to the state for review, and clarifying comments were used to adjust the summary. As a result, REJIS believes the summary to be substantially correct.

For the purposes of this report, the term CLEO (Chief Law Enforcement Officer) refers to any agency designated as authorized to perform criminal record checks for handgun purchases under the Brady Act or, in the case of Brady Alternative States, under its own legislation. Note that responses may reflect the fact that states may place additional restrictions or ask for additional personal identifiers to purchase a handgun besides those required in the Brady Act. Also note that state restoration of firearm privileges may not remove Federal firearm disabilities (for further information contact the Bureau of Alcohol, Tobacco and Firearms [BATF] to make such a determination). Appendix A lists each state's FIST contact. Appendix B, Status of the States, summarizes each state's number of CLEOs, reported instant check capability, and initial rejection data as of January 1996.

REJIS wishes to thank the state representatives who responded to the survey, those who reviewed the summary for their state, and others who helped in the preparation of this document.

Appendix table 1. Applications for presale handgun checks processed by States, 1996

<u>State</u>	<u>Population</u>	<u>Applications</u>		<u>Rejection rate</u>
		<u>Received</u>	<u>Rejected</u>	
Arizona	3,665,228	72,715	2,203	3.0%
Arkansas	2,350,725	25,742	506	2.0%
California	29,760,021	215,804	2,111	1.0%
Colorado	3,294,394	51,450	3,518	6.8%
Delaware	666,168	11,826	639	5.4%
Florida	12,937,926	213,133	6,236	2.9%
Georgia	6,478,216	89,786	8,463	9.4%
Idaho	1,006,749	24,604	791	3.2%
Illinois	11,430,602	178,168	1,997	1.1%
Indiana	5,544,159	81,974	907	1.1%
Kentucky	3,685,296	67,830	1,600	2.4%
Maryland	4,781,468	31,362	344	1.1%
Nevada	1,201,833	28,253	574	2.0%
New Hampshire	1,109,252	12,997	161	1.2%
New Jersey	7,730,188	24,672	280	1.1%
Ohio	10,847,115	60,037	330	0.5%
South Carolina	3,486,703	53,153	2,467	4.6%
Utah	1,722,850	34,073	595	1.7%
Virginia	6,187,358	182,384	1,896	1.0%
West Virginia	1,793,477	20,538	224	1.1%
Wisconsin	4,891,769	32,628	188	0.6%

Note: This table includes only those States that provided actual counts of the total of applications processed in the State during 1996.

Appendix table 2. Handgun presale check procedures, by State, 1996

State	Brady	State status		Presale check procedures in Brady-alternative States ^b		Waiting period before handgun can be delivered to purchaser ^c	Additional purchase restrictions ^d	Number of CLEOs
		Instant check	Permit or other	Instant check	Permit or other			
Alabama	X	---	---	---	---	2 days	1	67
Alaska	X	---	---	---	---	---	---	35
Arizona	X ^e	---	---	---	---	---	---	1
Arkansas	X ^e	---	---	---	---	---	---	1
California	---	■	---	Yes	---	15 days ^f	2	1
Colorado	---	03/94	Yes	---	---	---	2	1
Connecticut	---	■	---	Yes	---	14 days	2	1
Delaware	---	■	Yes	---	---	---	2,3	1
Florida	---	■	Yes	---	---	3 days	1	1
Georgia	---	01/96	Yes	---	---	---	---	1
Hawaii	---	■	---	Yes	---	14 days	1,2,4	4
Idaho	---	06/94	Yes	Yes	---	---	---	1
Illinois	---	■	Yes	Yes	---	3 days	1,3	1
Indiana	---	■	---	Yes	---	7 days	4	1
Iowa	---	■	---	Yes	---	3 days	1	99
Kansas	X	---	---	---	---	---	---	123
Kentucky	X	---	---	---	---	5 days	---	5
Louisiana	X	---	---	Yes	---	---	---	64
Maine	X	---	---	---	---	---	---	128
Maryland	---	■	---	Yes	---	7 days	2,4	1
Massachusetts	---	■	---	Yes	---	---	1	270
Michigan	---	■	---	Yes	---	---	1	595
Minnesota	---	08/94	---	Yes	---	---	---	568
Mississippi	X	---	---	---	---	---	---	263
Missouri	---	■	---	Yes	---	---	2,4	115
Montana	X	---	---	---	---	---	---	56
Nebraska	---	■	---	Yes	---	---	---	95
Nevada	X ^e	---	---	---	---	---	---	1
New Hampshire	---	01/95	Yes	---	---	---	1	1
New Jersey	---	■	---	Yes	---	7 days	1,4	483
New Mexico	X	---	---	---	---	---	---	113
New York	---	■	---	Yes	---	---	1,2	58
North Carolina	---	12/95	---	Yes	---	---	1,4	100
North Dakota	X	---	---	---	---	---	2	53
Ohio	X ^e	---	---	---	---	5 days	---	1
Oklahoma	X	---	---	---	---	---	---	440
Oregon	---	■	Yes	Yes	---	---	1,2	1
Pennsylvania	X	---	---	---	---	2 days	2	67
Rhode Island	X	---	---	---	---	7 days	4	39
South Carolina	X ^e	---	---	---	---	---	1,2,4	1
South Dakota	X	---	---	---	---	2 days	---	66
Tennessee	---	05/94	---	Yes	---	15 days	1,2,4	96
Texas	X	---	---	---	---	---	---	991
Utah	---	03/94	Yes	---	---	---	---	1
Vermont	X	---	---	---	---	---	---	22
Virginia	---	■	Yes	---	---	---	1	1
Washington	---	06/96	---	Yes	---	5 days	2	291
West Virginia	X	---	---	---	---	---	---	1
Wisconsin	---	■	Yes	---	---	2 days	1,3	1
Wyoming	X	---	---	---	---	---	---	40
Total	23	27	11	20				5,367

---Not applicable.

^b States classified as the original Brady-alternative States by the Bureau of Alcohol, Tobacco and Firearms (BATF).^cDates reflect when States switched from Brady to Brady-alternative status.^dBATF classified the States.^eWhere a waiting period is indicated for a Brady State, it represents additional requirements under State law.^f1-General restrictions. 2-Purchaser must not be under indictment or arraignment or have been convicted of a misdemeanor (specific misdemeanors vary by State). 3-Purchaser must not have committed juvenile-related offenses. 4-Purchaser must not be habitually intoxicated.^gThe State reports that it maintains a central 1-800 or 1-900 telephone number that Federal firearms licensees may call to make an immediate background check.^hCalifornia's presale waiting period was reduced to 10 days as of April 1, 1997.

**Appendix table 3. Amount of fees for background checks
and how long handgun purchase applications are kept, by State, 1996**

State	Maximum fee charged for name check	Fingerprint accompanies application*	The period for which processed applications are retained by the CLEO	
			Approved	Rejected
Alabama	---	---	20 days	■
Alaska	---	---	20 days	■
Arizona	---	---	20 days	Indefinitely
Arkansas	\$15.00	Yes (1)	20 days	Indefinitely
California	14.00	---	Indefinitely	Indefinitely
Colorado	10.00	---	1 day	2 years
Connecticut	---	---	Indefinitely	Indefinitely
Delaware	---	---	60 days	Indefinitely
Florida	8.00	---	2 days	Indefinitely
Georgia	5.00	---	Not kept	90 days
Hawaii	24.00	Yes	Indefinitely	Indefinitely
Idaho	---	---	5 days	6 months
Illinois	2.00	---	1 year	5 years
Indiana	---	Yes (1)	Not kept	Indefinitely
Iowa	---	---	4 years	3 years
Kansas	---	---	20 days	■
Kentucky	---	---	20 days	Indefinitely
Louisiana	---	---	20 days	■
Maine	---	---	20 days	Indefinitely
Maryland	10.00	---	Indefinitely	3 years
Massachusetts	20.00	Yes (1)	Indefinitely	Indefinitely
Michigan	5.00	---	6 years	■
Minnesota	---	---	■	■
Mississippi	---	---	20 days	■
Missouri	10.00	---	Indefinitely	Indefinitely
Montana	---	---	20 days	■
Nebraska	5.00	---	■	■
Nevada	15.00	---	20 days	Indefinitely
New Hampshire	7.00	---	20 days	3 years
New Jersey	51.00 (2)	Yes	Indefinitely	Indefinitely
New Mexico	20.00	---	20 days	■
New York	74.00 (2)	Yes	Indefinitely	Indefinitely
North Carolina	5.00	---	5 years	Indefinitely
North Dakota	10.00	---	20 days	Indefinitely
Ohio	15.00	---	20 days	Indefinitely
Oklahoma	---	---	20 days	■
Oregon	10.00	Yes (4)	5 years	5 years
Pennsylvania	3.00 (3)	---	20 days	20 days
Rhode Island	---	---	20 days	Indefinitely
South Carolina	5.00	Yes (1)	20 days	Indefinitely
South Dakota	---	---	20 days	■
Tennessee	---	Yes (4)	1 year	1 year
Texas	---	---	20 days	■
Utah	5.00	---	20 days	1 year
Vermont	---	---	20 days	■
Virginia	2.00	---	30 days	2 years
Washington	---	---	20 days	6 years
West Virginia	---	---	20 days	Indefinitely
Wisconsin	8.00	---	30 days	Indefinitely
Wyoming	---	---	20 days	■

---Not applicable.

*Either the total or a portion of the cost for fingerprint processing is included in the name check cost.

■ Applications are retained at the discretion of the local CLEO.

(1) Fingerprints are used only if identity is questioned.

(2) Includes fee for FBI fingerprint check.

(3) Fee is being used to fund a new statewide system.

(4) Only the thumbprint is taken, but it is not used for the background check.